

BEFORE THE
ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

STATE COMMITTEE FOR SOCIAL WORKERS,)	
)	
Petitioner,)	No 02-1809 SW
)	
vs.)	
)	
LINDA MUELLER,)	
)	
Respondent)	

WAIVER OF HEARING BEFORE THE
STATE COMMITTEE FOR SOCIAL WORKERS
AND JOINT AGREED DISCIPLINARY ORDER

The State Committee for Social Workers ("Committee") and Linda Mueller ("Respondent") waive the right to a hearing of the above-styled case before the State Committee for Social Workers and jointly stipulate to the facts and consent to the imposition of disciplinary action against the clinical social work license of Respondent for violations of the statutes set forth below.

Respondent acknowledges that she has received and reviewed a copy of the Complaint filed by the State Committee for Social Workers with the Administrative Hearing Commission in this case; a copy of the Joint Motion for Consent Order, Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission with Joint Proposed Findings of Fact and Conclusions of Law ("Joint Stipulation"), and a copy of the Consent Order entered by the Administrative Hearing Commission, and the parties submit

to the jurisdiction of the Administrative Hearing Commission and the State Committee for Social Workers in this matter

Respondent acknowledges that she is aware of the various rights and privileges afforded her by law, including the right to a hearing before the Committee on the question of discipline to be imposed against Respondent, the right to appear and be represented by counsel; the right to have all charges against Respondent proven upon the record by competent and substantial evidence, the right to cross-examine any witness appearing at the hearing against Respondent, the right to present evidence on Respondent's own behalf at the hearing, the right to a decision upon the record by the Committee concerning the question of discipline to be imposed against Respondent; and the right to a ruling on questions of law by the Committee Being aware of these rights provided the Respondent by operation of law, Respondent, Linda Mueller, knowingly and voluntarily waives each and every one of these rights and freely enters into this Waiver of Hearing Before the State Committee for Social Workers and Joint Agreed Disciplinary Order ("Disciplinary Order") and agrees to abide by the terms of this document as they pertain to Respondent.

Findings of Fact and Conclusions of Law

Based upon the foregoing, Petitioner and Respondent jointly request that the State Committee for Social Workers adopt as its own the Findings of Fact and Conclusions of Law as set forth in the Joint Motion for Consent Order, Joint Stipulation of Facts, Waiver of Hearing Before the Administrative Hearing Commission with Joint Proposed Findings of

Fact and Conclusions of Law and incorporated in the Administrative Hearing Commission's Consent Order of May 15, 2003.

Joint Agreed Disciplinary Order

Based on the foregoing, the parties mutually agree and stipulate, for the purpose of settlement, that the following shall constitute the disciplinary order entered by the Committee in this matter under the authority of § 621 110, RSMo 2000. This disciplinary order will be effective immediately upon the issuance of the Consent Order of the State Committee for Social Workers without further action by either party:

1. The clinical social work license, No. SW002818, issued to Respondent is hereby immediately placed on PROBATION for a period of two years ("disciplinary period"). Respondent may petition the Committee for early termination of this probation if Respondent successfully completes the treatment program specified below and meets the requirements for documentation of treatment compliance and completion as described and defined herein. The terms of the probation shall be:

I. REQUIREMENTS REGARDING TREATMENT PROGRAM

- A. Within 90 days of the effective date of this Disciplinary Order, Respondent shall undergo a thorough evaluation by a licensed mental health provider approved by the Committee. Respondent shall furnish a copy of the Joint Stipulation and Disciplinary Order to the approved provider conducting the evaluation. Respondent shall accept and abide by all recommendations for

treatment, care, and counseling as recommended by this approved provider. If the approved provider recommends care, counseling, and/or treatment with a mental health professional who is not part of the agency, clinic, or practice of the approved provider, Respondent shall provide the complete evaluation report with recommendations to the treating mental health professional. The approved provider conducting the evaluation shall forward a complete report of the evaluation to the Committee within ten days of completion of said report. The report shall include a description of all tests performed, test results, findings, diagnoses, prognosis, and recommendations for treatment, including the mental health professional recommended for treatment of Respondent

- B. Pursuant to this Disciplinary Order, Respondent is required to submit to care, counseling, and/or treatment, as recommended by the approved provider, and to abide by any and all practice restrictions recommended in connection with the approved provider's recommended treatment plan
- C. Respondent shall follow all recommendations for treatment.
- D. Respondent shall furnish a copy of the Joint Stipulation and Disciplinary Order to any mental health professional rendering treatment or evaluation pursuant to this Disciplinary Order.

- E. Respondent shall direct the treating professional to provide the Committee with follow-up reports on a quarterly basis, with the reports due by December 1, March 1, June 1, and September 1 each year during the disciplinary period. The follow-up reports shall detail Respondent's progress with treatment; Respondent's compliance with all treatment recommendations; any subsequent testing or evaluation performed since the last report, and any problems identified since the last report, diagnosis, and prognosis. Respondent shall execute a medical or other appropriate release(s) authorizing the Committee to obtain information and records concerning Respondent's care, counseling, and/or treatment. Respondent shall take whatever steps are necessary to ensure that the required release(s) remain in full force and effect until released from the terms of this Disciplinary Order by the Committee.
- F. If the treatment of Respondent is successfully completed during the disciplinary period, Respondent shall cause the treating professional or director of the treatment program to submit a letter of evaluation to the Committee stating that Respondent has successfully completed treatment. Such a letter shall include a statement that, to reasonable degree of certainty, the treating professional has assessed that Respondent is no longer a threat to any patient or client. The letter shall also outline the recommendations and arrangements for appropriate follow-up or aftercare.

Respondent shall follow all recommendations for follow-up or aftercare and shall document compliance with all such recommendations

II. REQUIREMENTS REGARDING SUPERVISED PRACTICE

- A Respondent's practice as a clinical social worker during the period of probation shall be supervised by a clinical social worker approved by the State Committee for Social Workers. If Respondent fails to secure an approved supervisor within 20 business days from the start of probation, the Respondent shall cease practicing clinical social work until a supervisor is secured. Respondent shall be responsible for any payment associated with the supervision.
- B. In the event the approved supervisor becomes unable or decides not to continue serving in his/her capacity as a supervisor or otherwise ceases to serve as a supervisor during the period of probation, then the Respondent shall:
 - (1) within three business days of being notified of the supervisor's inability or decision not to continue serving as the supervisor, or otherwise learning of the need to secure a supervisor, advise the State Committee for Social Workers in writing that Respondent is needing to secure a supervisor and the reasons for such change; and
 - (2) within 20 business days of being notified of the supervisor's inability or decision not to continue serving as the supervisor, or otherwise

learning of the need to secure a supervisor, secure a supervisor pursuant to and in accordance with the terms and conditions set forth in this Disciplinary Order. After 20 business days, the Respondent shall not practice if he or she has not secured an approved supervisor

- C. The approved supervisor shall be vested with administrative authority over all matters affecting the provision of clinical social work services provided by Respondent so that the ultimate responsibility for the welfare of every client is maintained by the approved supervisor.
- D. Respondent's approved supervisor shall report to the Committee in writing at least once every three months on Respondent's compliance with this Disciplinary Order. The reports are due by December 1, March 1, June 1, and September 1 each year during the disciplinary period. It is Respondent's responsibility to ensure that these reports are provided in a timely manner.

III. GENERAL REQUIREMENTS

- A. During the disciplinary period, Respondent shall comply with all provisions of Chapter 337, RSMo; all the regulations of the Committee; and all state and federal criminal laws. "State" here includes all states and territories of the United States.
- B. During the disciplinary period, Respondent shall keep the Committee informed of Respondent's current work and home telephone numbers and addresses.

Respondent shall notify the Committee in writing within ten days of any change in this information.

- C. During the disciplinary period, Respondent shall timely renew her license and timely pay all fees required for licensing and comply with all other Committee requirements necessary to maintain Respondent's license in a current and active state.
- D. During the disciplinary period, Respondent shall accept and comply with unannounced visits from the Committee's representatives to monitor her compliance with the terms and conditions of this Disciplinary Order.
- E. During the disciplinary period, Respondent shall appear in person for interviews with the Committee or its designee upon request.
- F. Periods of residency or the practice of social work outside Missouri will not apply to the reduction of the disciplinary period. Respondent shall notify, in writing, the social work licensing authorities of the jurisdiction in which she is residing or practicing, by no later than the day before the beginning of the disciplinary period, of Respondent's disciplinary status in Missouri. Respondent shall forward a copy of this written notice to the Committee contemporaneously with sending it to the relevant licensing authorities. In the event Respondent should leave Missouri to reside or practice social work outside the state during the disciplinary period, Respondent shall notify the

Committee in writing of the dates of departure and return no later than ten days before Respondent's departure. Furthermore, Respondent shall, no later than ten days after the commencement of any residence or practice outside this state, notify in writing the social work licensing authorities in the jurisdiction in which Respondent is residing or practicing of Respondent's disciplinary status in Missouri.

G. Respondent shall notify, within 15 days of the effective date of this Disciplinary Order, all facilities where Respondent practices of Respondent's disciplinary status. Notification shall be in writing and Respondent shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Committee for verification by the Committee or its designated representative.

H. For purposes of this Disciplinary Order, unless otherwise specified in this Disciplinary Order, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Committee in this Disciplinary Order shall be forwarded to the State Committee for Social Workers, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, Missouri 65102.

2. The parties to this Disciplinary Order understand that the State Committee for Social Workers will maintain this Disciplinary Order as an open and public record of the Committee as provided in Chapters 610 and 620, RSMo.

3. The terms of this Disciplinary Order are contractual, legally enforceable, and binding, not merely recital. Except as otherwise contained herein, neither this Disciplinary Order nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.

4. Respondent hereby waives and releases the Committee, its members and any of its employees, agents, or attorneys, including any former Committee members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including, but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 U.S.C. § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this litigation, the waiver of hearing, or from the negotiation or execution of this Disciplinary Order. The parties acknowledge that this paragraph is severable from the remaining portions of this Disciplinary Order in that it survives in perpetuity even in the event that any court of law or administrative tribunal deems this Disciplinary Order or any portion thereof void or unenforceable.

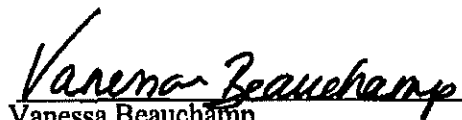
In consideration of the foregoing, the parties consent to the entry of record and approval of this Waiver of Hearing Before the State Committee for Social Workers and Joint Agreed Disciplinary Order and to the termination of any further proceedings before the

Administrative Hearing Commission and State Committee for Social Workers based upon the
Complaint filed by the Committee in the above-styled action.

RESPONDENT

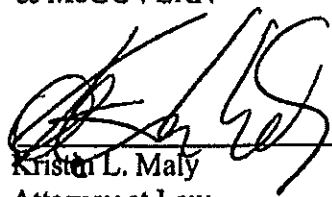
STATE COMMITTEE FOR
SOCIAL WORKERS

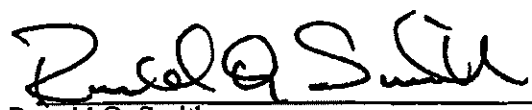
 8-24-03
Linda Mueller Date

 9/8/03
Vanessa Beauchamp Date
Executive Director

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